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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,111	07/27/2000	PASCAL COOREMAN	032326-073	5591

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EXAMINER

KIM, AHSHIK

ART UNIT PAPER NUMBER

2876

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/601,111	<b>Applicant(s)</b> COOREMAN ET AL.	
	<b>Examiner</b> Ahshik Kim	<b>Art Unit</b> 2876	
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 1/27/03 (Amendment).

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1 and 6-8 is/are rejected.

7) ☒ Claim(s) 2-5 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):

a) ☐ All   b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed on January 27, 2003. Claim 1 was  
5 amended, and claims 6-8 were newly added. Accordingly, claims 1-8 remain for examination.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

- 10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
manner in which the invention was made.

- 15 2. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et  
al. (US 5,729,004, as cited by applicant) in view of Anderl et al. (US 4,816,654).

Kim et al disclose a data communication device and method of a smart card comprising:  
a microprocessor 61,62 and contacts (input/output terminals); a communication device hard  
20 wired between the contacts and the microprocessor and operating according to an asynchronous  
communication protocol with checking of integrity of signal transmitted between the  
microprocessor and a terminal 30 (I/O device) (see figure 3 and col. 10, line 40). (see figures 3-  
10, col. 4, line 1+ and col. 7, line 16+).

Kim further teaches that the terminal transmits a signal to the card regarding whether the  
25 integrity of the data, including if the data transmitted has any errors via various parity checks.

However, it is not specifically stated that the communication device of the card responds to the terminal with an item of information.

It would have been notoriously obvious to one of ordinary skill in the art at the time the invention was made to design the card to respond to an integrity signal transmitted by the terminal. Anderl supports this concept, as it shows a memory card 10 resending data to a terminal after an initial attempt to send data to a reader 15 resulted in the reader transmitting an “error-in-data-integrity” signal or “unsuccessful-data-transmittance” signal (see col. 10, lines 38-46 and col. 11, lines 36-53). It would have been known to have the card transmit data in response to integrity signal from the terminal, for reasons as simple as automatically resending the data to the terminal or requesting data to help correct the integrity of the data. Such known reasons are also evidenced by the applicants in page 6 of paper number 6. Since the communication device is the card’s means of communication any data to and from the terminal, it would be obvious that, while the microprocessor of the card controls the functions of all transmittance and reception of information, the communication device actually returns data to the terminal.

***Allowable Subject Matter***

3. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. The following is a statement of reasons for the indication of allowable subject matter: although the prior art discloses a smart card that is operating in asynchronous protocol, the prior art of record fails to teach or fairly suggest in combination to disclose all the steps operational process, which includes determining each character from a series of pulse signals, analyzing the  
5 characters of the command and supplying a code, etc.

***Response to Arguments***

5. Applicant's amended claims and arguments filed on January 27, 2003 have been fully  
10 considered, but they are not persuasive.

As stated in paragraph #3, it is the Examiner's view that the reference to Kim et al. in view of Anderl et al. still read on claims 1 and 6-8.

In the Remarks section the Applicant argues the instant application claims a communication device, which includes means to generate and return at least one item of  
15 information to the terminal (See page 4, second paragraph). The Applicant, in doing so, argues that the cited references do not read on such elements of the claims because the microprocessor of the card performs such intelligence.

In response to the Applicant's argument, the Examiner contents that in the embodiment of smart card reader and card, each device is to "acknowledge" the receipt of the signal to  
20 indicate whether the information have been successfully transmitted/received. Acknowledgment can be a simple signal or complex process incorporating parity check for data integrity as shown in Kim et al. Such acknowledgment often occurs without the microprocessor of IC card to explicitly commanding the I/O module to do so. It is well known in the art that I/O modules are

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capable of issuing acknowledgement signal. In fact, figure 3 shows the construction of I/O interface (col. 3, lines 35-37; col. 4, lines 1+), not a microprocessor of smart card. In view of such transmission by I/O module, microprocessor of the smart card is lessened from such tasks, and free to perform other tasks.

- 5           The amended claims and remarks describing these elements have been fully considered, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

### ***Conclusion***

- THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time  
10   policy as set forth in 37 CFR 1.136(a).

- A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period  
15   will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the  
20   examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the

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Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Ahshik Kim  
Patent Examiner  
Art Unit 2876  
February 12, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
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